



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**May 25, 2005**

**SUBJECT:**           **2005-0288 - Sunnyvale Healthcare Center** [Applicant]  
                          **Diversified Convalescent Hospitals Inc.** [Owner]:  
Application for a Use Permit on a 1.9-acre site to allow  
clinical training use at an existing Nursing Home. The  
property is located at **1291 South Bernardo Avenue** (near  
Yorktown Drive) in a P-F (Public Facility) Zoning District.  
(APN: 202-37-030)

**REPORT IN BRIEF**

**Existing Site**           One-story nursing home  
**Conditions**

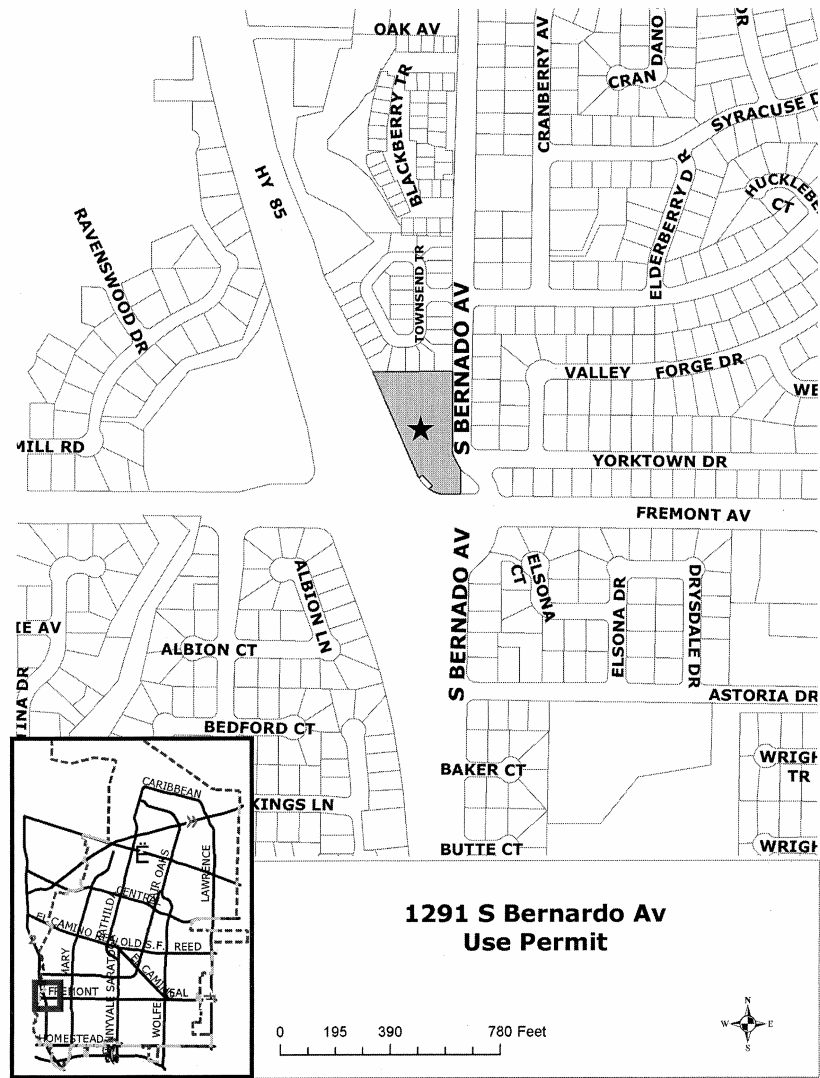
**Surrounding Land Uses**

North	Single Family Dwellings
South	Fremont Avenue
East	Single Family Dwellings
West	Highway 85

**Issues**               Parking

**Environmental**       A Class 1 Categorical Exemption relieves this project  
**Status**               from California Environmental Quality Act provisions  
                          and City Guidelines.

**Staff**               Approve with conditions  
**Recommendation**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Public Facility	Same	Public Facility
<b>Zoning District</b>	PF	Same	Public Facility
<b>Lot Size (s.f.)</b>	1.9	Same	NA
<b>Gross Floor Area (s.f.)</b>	27,000	Same	NA
<b>Lot Coverage (%)</b>	32	Same	40 max.
<b>No. of Buildings On-Site</b>	1	Same	---
<b>Setbacks Facing Property</b>			
<b>Front</b>	35	Same	20 min.
<b>Left Side</b>	30	Same	9 min.
<b>Right Side</b>	30	Same	4 min.
<b>Rear</b>	20	Same	20 min.
<b>Parking</b>			
<b>Total Spaces</b>	58	Same	46 min.
<b>Standard Spaces</b>	57	Same	51 min.
<b>Compact Spaces/ % of Total</b>	0	Same	10 max.
<b>Accessible Spaces</b>	1	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The project proposes on-site clinical training for nursing students in multiple shifts at an existing convalescent home. The training does not include on-site classroom instruction. The application for a Use Permit application was filed after complaints of parking problems from adjacent residential neighbors were made with the Neighborhood Preservation Department.

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes modifications to existing facilities.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
1998-0171	Allow three additional beds for a total of 102	Admin/Approve	4/10/96
1995-0295	Location of cell tower on site	Staff/Approve	10/23/95
1970-0105	90 Unit Retirement home (1275 Bernardo) not built	PC/Approve	6/25/73
1967-0084	Convalescent home 99 beds	PC/Approve	6/26/67

**Use Permit**

The applicant requests the ability to conduct clinical training at an existing convalescent home for nursing students from regional schools. The original use permit for the convalescent home did not discuss training as part of its use and the additional student nurses could be considered an intensification of the approved use. The applicant proposes a total of 10-12 students in one day with them split into multiple shifts. No on-site classroom instruction is proposed. The students would be attending to residents and "shadow" current professional staff.

Two separate institutions provide students to the facility. There are three sessions slated for training of students. The training sessions are intermittent throughout the year and have a duration of three to six weeks per session. (See Attachment D for breakdown)

**Site Layout:**

The existing site is unchanged from its original approval, with the exception of modification along the southwest corner of the site when a cellular communication facility was constructed in 1995. The site is arranged with the nursing home in the center of the lot and vehicle access taken from Bernardo Avenue at the northeast corner of the site. There is a parking lot located at the northeast corner near the main entrance and then additional parking spaces located around the north and west perimeter of the site. No changes are proposed to the site conditions by the applicant.

**Parking/Circulation:**

The applicant has submitted a site plan identifying 58 spaces on the site, including one accessible parking space. Of these 58 spaces, approximately 10 of the spaces are parallel parking spaces along the drive aisle of the facility. In addition to the one accessible space, there are four specially designated spaces on site near the front door. The spaces are "reserved" for doctors, management, and the employee of the month. From reviewing both the site plan and from staff's site visit, there is little opportunity to provide for additional parking through either expansion of parking lot or restriping.

A nursing home is required to provide parking based upon the bedroom count of the facility. The site has 102 beds per previously approved Use Permits, which in turn requires a minimum of 46 parking spaces per 19.60.050 of the Sunnyvale Municipal Code. The level of staffing is not part of the parking demand equation. The facility current complies with minimum parking requirements.

The neighborhood has a concern about the supply and use of on-street parking in the area. On-street parking is prohibited directly in front of the facility. However, parking is allowed directly across the street and further to the north on both sides of the street. On-street parking is public parking and does not figure into Sunnyvale's on site parking requirements discussed above.

**Compliance with Development Standards:**

The proposed use does not modify existing conditions or change applicable requirements for the existing use.

**Expected Impact on the Surroundings:**

The facility currently exceeds the minimum parking requirement. However, there is evidence of the spillover of visitors and employees from the site utilizing on-street parking at a perceived higher degree than adjoining residential uses utilize street parking. The use of street parking has created a concern that the additional students will also be parking on the street. This spillover potentially displaces additional neighborhood residents and guests from parking nearest their homes. If the

**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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Two letters have been received from the public. The letters are included as attachments to the report.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 60 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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The applicant proposed to have the students be split between shifts and carpool to the site. Under this arrangement rather than 12 additional cars for the students the number of cars would be reduced to three cars per shift, assuming two-person occupant carpool. At the time of shift changes there is potential for overlap of parking demand. Due to the inability of the City to regularly enforce a carpool requirement, the increase of parking may need to be considered at a higher level than the minimum proposed for a more complete scope of the request. The trips themselves are not projected to occur during the pm peak hour of traffic.

Sunnyvale parking requirements are not based on staffing levels. Staff interprets the description of the student training to be very similar to employees of the existing facility. The city does not directly restrict staffing levels of any business in the community, however, through the conditions of approval of this permit the number of students is restricted in effort to minimize potential parking impacts. Considering that the use could expand full time staff at any point and the City of Sunnyvale would not consider this a change to the type of use permitted on the site, the small number of students and additional vehicles at the site at one time, and the intermittent use of the facility for training activities leads staff to conclude the use is compatible and there is not a significant impact to the area.

Additionally, training in the medical professional, especially nursing, is generally regarded as a high need area. There is potential public benefit to allowing for clinical training of students on site. Staff does not see any difference between the proposed training and medical student interns at a

clinic or hospital, which would not require a use permit as it is a customary activity associated with the use.

In the event that additional parking was to be required of the site, there does not appear to be space that could readily be converted to parking area. However, the reserved spaces near the front door do at times appear to be unused. A condition of approval is included to remove the reserved parking designation from the spaces near the main entrance.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

#### **Alternatives**

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1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

**Recommendation**

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Recommend Alternative 1

Prepared by:



Kelly Diekmann  
Project Planner

Reviewed by:



Diana O'Dell  
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Letters from Other Interested Parties

**Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

*Land Use and Transportation Element*

**Policy C4.3**

*Consider the needs of business as well as residents when making land use and transportation decisions.*

**Policy N1.3**

*Support a full spectrum of conveniently located commercial, public, and quasi public uses that add to the positive image of the City.*

**Policy N.1.14**

*Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

**Action Statement N1.1.1**

*Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project

The existing convalescent home has been in operation for over 35 years and the proposed training compliments the existing use. The proposed training opportunities allow for needed training of skilled nursing. The facility is located on a major street and the traffic impact of additional personnel is negligible in relation to the volume of traffic on Bernardo Avenue. In addition, due to its location near a freeway entrance and the site's access from a collector street there would not be intrusion in the abutting residential neighborhoods by commercial traffic. The proposed use has provided on site parking that exceeds the minimum requirements of the zoning code.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because:

The region has a need for additional skilled nursing and the proposed level of clinical training requested by the applicant will not materially affect the existing conditions of the site or neighborhood due to its

limited magnitude of both the number of students and intermittent scheduling. Although there is concern that on-street parking is currently over-utilized by visitors and employees to the convalescent home, the applicant has demonstrated that site exceeds the minimum parking requirements for a nursing home as required by the Zoning Code. The on-site parking supply addresses the primary potential impact to general welfare in the neighborhood of overuse of public parking on public streets. Furthermore, in regards to parking there are no restrictions on the use of on-street parking in Sunnyvale related to the type of user.

**Recommended Conditions of Approval Use Permit**

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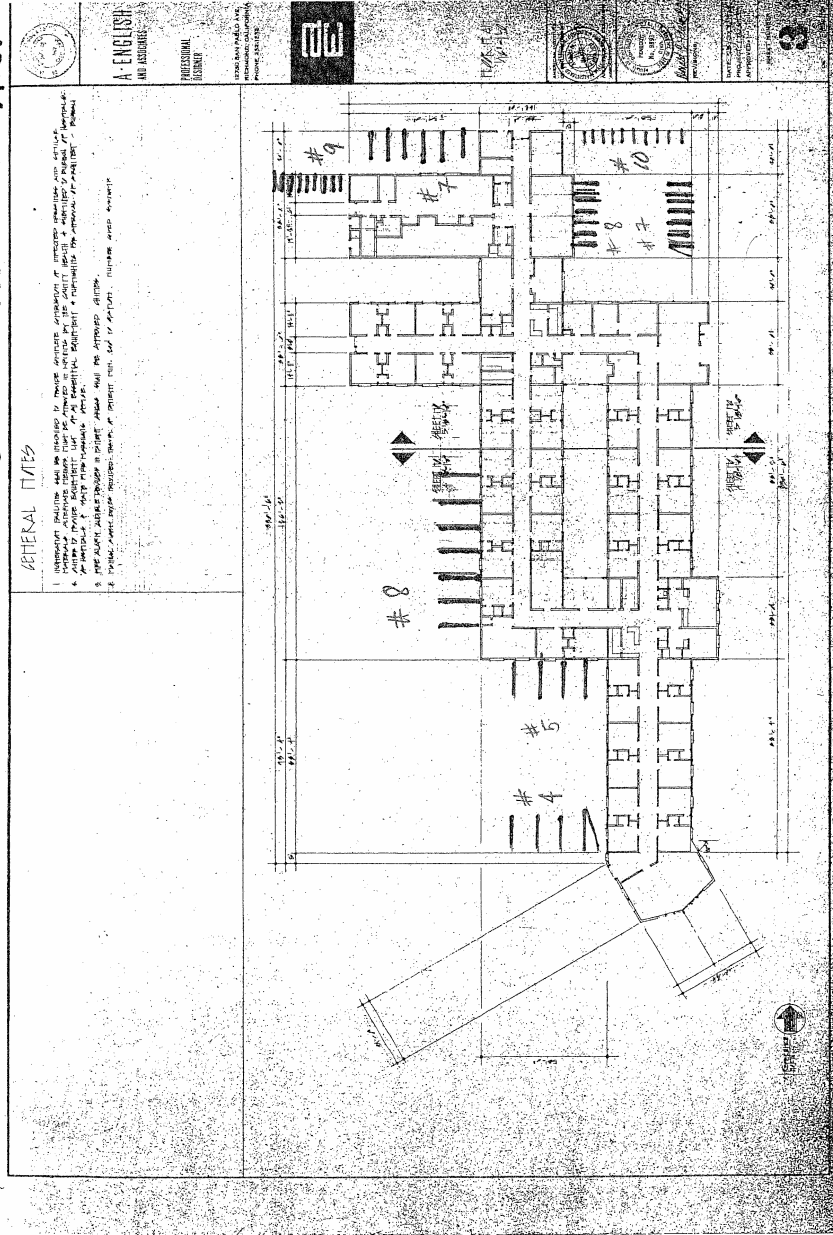
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

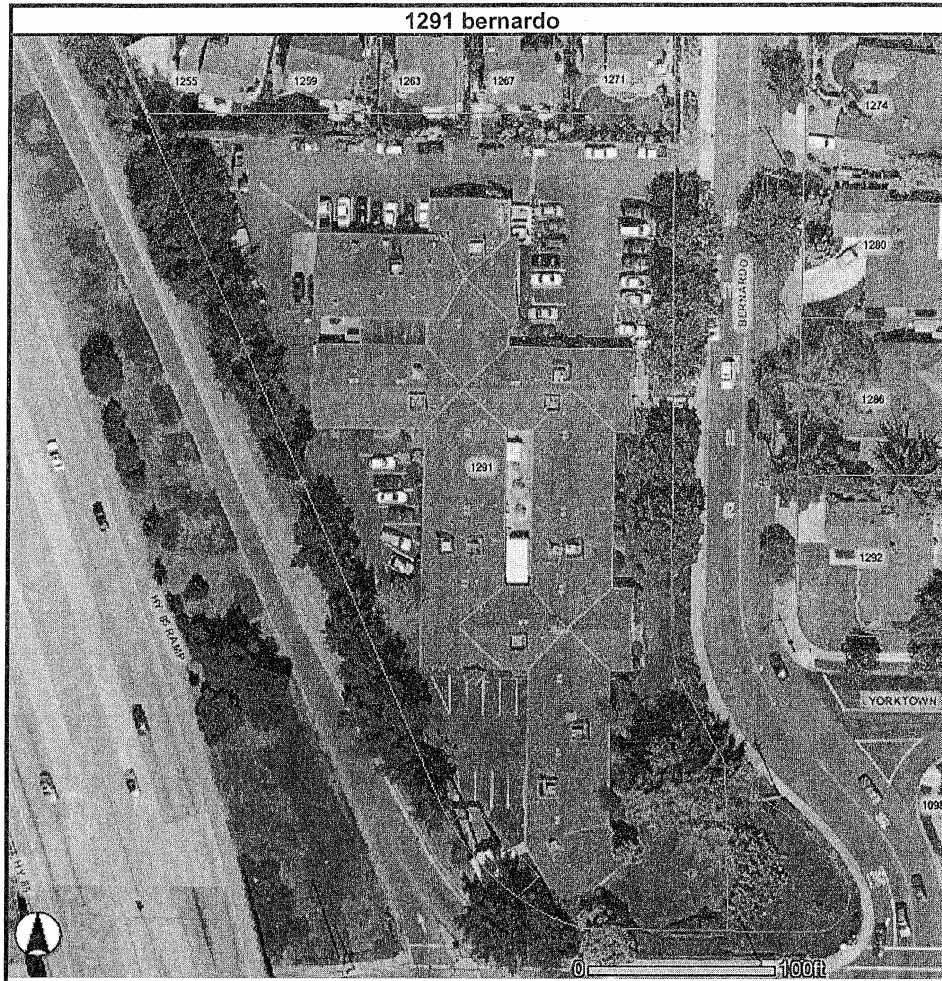
**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any expansion or modification of the approved use shall be approved by separate application at a public hearing.
- C. This approval of on site clinical training is for a maximum of 12 students in one day.
- D. The training is to be staggered throughout the year as indicated in the description of the use Attachment D.
- E. The facility is to encouraged to divide the students between the various shifts to reduce peak parking demand.
- F. The applicant shall within 30 days of approval of this use permit remove the reserved parking designation from the front parking lot spaces.
- G. The applicant shall continue to require that students carpool to the extent practicable.
- H. The applicant shall continue to require employees and students first search for parking on site rather than park on the street.

# SUNNYVALE HEALTH CARE CENTER 1291 S. BERNARDO AVE. SUNNYVALE CA. 94087



PARKING SPACES AVAILABLE # 58



**PROGRAM PLAN**  
Use Parking Permit

Facility: Sunnyvale Health Care Center  
Location: 2191 S.Bernardo Avenue Sunnyvale, CA 94087  
Capacity: 99 beds  
Average Occupancy: 95%  
Parking spaces: 61  
Employee on duty during the day: 39  
Average visitor onsite: 6-12  
Left available parking space: 10

**Objective:**

Sunnyvale Health Care Center can continue using the facility as a training site for Solano Nursing Assistant and West Med LVN School without creating congestion within the vicinity areas.

Agreement had been made with both school .Limited numbers of students to no more than twelve will be allowed on site. Total of six cars will be permitted to designated parking spaces.

Facility management will monitor use of the facility parking spaces closely. Clients visitors will be encourage to park within the facility parking spaces available.

Submitted by: Herminia Chavez  
CEO/Owner/ Facility Administrator

## Sunnyvale Health Care Center

### *"FACILITY PROGRAM DESCRIPTION"*

#### Days and Hours of Operation:

- Sunnyvale Health Care Center provides 24-hour skilled nursing care and supervision, seven days a week.

#### Resident Occupancy Information:

- Sunnyvale Health Care Center has a maximum occupancy of 99 beds. The facility's average occupancy rate is 90% to 95%. The majority of the residents are long-term, with a low 5% turnover.

#### Visiting Hours/Visitors Information

- Facility visiting hours are between the hours of 10:00am to 8:00 pm. On average visitors come between those hours and there is usually around 10-12 people per day.

#### Physicians Information:

- Physician's information – The facility has twelve house physicians that monitor resident care. These physicians are not on site on a daily basis. Physician's visits are only once a month and on different days.

#### Consultants Information

- The facility has no pharmacy on site. Delivery of the residents' medication to the facility is two times daily, once in the morning and in the afternoon.
  1. Pharmacy Consultant – once a month visit
  2. Dietary Consultant- once a week visit

#### Vendor and Supplier Information

- Sysco Food – delivery once a week
- Cleaning /laundry supplies- once a week

**Resident Transportation Information**

- Delivery and pick-up by ambulance and outreach varies from one to two times daily.

**Facility Personnel Information/Operation**

- Sunnyvale Health Care Center has total number of one hundred fifteen employees. Hours of work are as follows:
  1. Day shift (7:00am -3:30pm)
  2. PM shift (3:00- 11:30 pm)
  3. Night shift (11:00pm-7:00 am)

**Clinical Training Program**

- Both schools are to comply with the agreement with the facility to carpool in order to minimize traffic congestion and parking difficulties. The facility monitors compliance.
  1. **West Med License Vocational Nursing Program** – Once a year will be on site three times a week for total of six weeks. There are two classes, one class in the morning and one in the evening. One class has a maximum of twelve students.
  2. **Solano School for Nursing Assistant Certification**- Students come two times a year with each class having ten to twelve students. Students are in the facility for six hours Monday to Friday for twenty days.

E

ATTACHMENT E  
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3/1/05

Attn: Denee Evans

I am writing you to revisit the issues surrounding the Sunnyvale Health Care Center. They have started to hold classes again in the evenings from approximately 3:00 p.m. to 8:00 p.m. It appears that the administration has instructed the students to park on the street and not to use the private parking that they have. In my opinion, Sunnyvale Health Care Center has too many visitors and employees on a daily basis for the amount of parking that they have.

I had discussed with you a few months ago the frustrations that we are having with the Health Care Center. Please, call me to see what can be done. We hope that they have not been granted permits to hold classes at this facility.

Thank you  
Clario Jimenez  
1280 South Bernardo  
Sunnyvale, CA ~~94087~~ 94087  
(650) 346-2916

March 4, 2005  
 1274 Bernards  
 Sunnyvale  
**RECEIVED**

MAR - 7 2005

Denee Tans,  
 SV Neighborhood Preservation  
 Sunnyvale, California

NEIGHBORHOOD PRESERVATION  
 CITY OF SUNNYVALE

Dear Denee,

My husband and I live across the street from the Sunnyvale Healthcare Center (1291 Bernards) and a bit to the north, toward Redington. Our respective driveways are almost across from each other. We have noticed recently that training classes have begun again at the facility, and we suspect that they do not have a permit for them. Employee-business park for a minimum of five hours at a time and are trying to park near our driveway, endangering our safety in backing out especially. (That's why commercial establishments have lots for their employees and visitors.) The huge size of many vehicles these days makes it especially difficult to see oncoming traffic in either direction.

Will you help us with these questions?

1. Do they have a permit?
2. If not, and they apply, we ask that the denial of the training cannot park on their own premises. Their clutter of

the streets also furnishes the appearance of our neighborhood streets and definitely is not preserving its character as a truly Sunnyvale neighborhood.

3. Also, ask the SVHC why the Selano Nursing School in their ad on the Nils advertises classes at the Health Care Center when they have no permit.

4. Please ask the Planning Department to check to see if the number of parking spaces at the SVHC is adequate to the number of patient visitors, employees and transient. We suspect it is not.

Please help!  
If you need us in any way, just let us know.

Sincerely,  
Jackie Mathis  
Christ Mathis  
1274 Bernardo Ave.  
Sunnyvale  
(resided since 1958)  
408-736-2531